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20 Attorneys for Plaintiff, CH₂O, INC.,

21 UNITED STATES DISTRICT COURT

22 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

23 CH₂O, INC.,

24 Plaintiff,

25 v.

26 MERAS ENGINEERING, INC.;
27 HOUWELING'S NURSERIES
28 OXNARD, INC.; HNL HOLDINGS
LTD.; HOUWELING UTAH
OPERATIONS, INC.; and
HOUWELING'S NURSERIES LTD.,

Defendants.

Case No. CV-13-8418 JAK (GJSx)

DECLARATION OF JOANNA M.
FULLER IN SUPPORT OF CH₂O,
INC.'S MOTION FOR PARTIAL
SUMMARY JUDGMENT

Date: April 4, 2016
Time: 8:30 a.m.

Hon. John A. Kronstadt

1 I, Joanna M. Fuller, hereby declare and state as follows:

2 1. I am an attorney at the law firm of Fish & Richardson P.C. and counsel
3 for Plaintiff CH₂O, Inc. ("CH₂O"). I am admitted to practice before this Court. I
4 have personal knowledge of the facts stated in this declaration and can and would
5 testify truthfully thereto if called upon to do so.

6 2. Attached to my declaration as Exhibit 1 is a true and correct copy of
7 Deininger, et al., "Chlorine Dioxide."

8 3. Attached to my declaration as Exhibit 2 is a true and correct copy of
9 Will, et al., "Irrigation Water Quality for Greenhouse Production."

10 4. Attached to my declaration as Exhibit 3 is a true and correct copy of
11 Roberts, et al., "Chlorine Dioxide for Wastewater Disinfection: A Feasibility
12 Evaluation."

13 5. Attached to my declaration as Exhibit 4 is a true and correct copy of
14 Cox, "Water Quality: pH and Alkalinity."

15 6. Attached to my declaration as Exhibit 5 is a true and correct copy of
16 Flood, "Irrigation Water Quality For BC Greenhouses."

17 7. Attached to my declaration as Exhibit 6 is a true and correct copy of
18 Bailey, et al., "Alkalinity Control for Irrigation Water Used in Nurseries and
19 Greenhouses."

20 8. Attached to my declaration as Exhibit 7 is a true and correct copy of
21 Southern Agricultural Insecticides, "20-20-20 Soluble Fertilizer with Minor
22 Elements."

23 9. Attached to my declaration as Exhibit 8 is a true and correct copy of
24 excerpts from Defendant Meras Engineering Inc.'s Amended and Supplemental
25 Response to CH₂O, Inc.'s First Set of Interrogatories, served February 5, 2016
26 **[FILED UNDER SEAL].**

27 10. Attached to my declaration as Exhibit 9 is a true and correct copy of

28 DECLARATION OF JOANNA M. FULLER ISO CH₂O, INC.'S
MOTION FOR PARTIAL SUMMARY JUDGMENT

1 excerpts from Houweling's Nurseries Oxnard, Inc.'s Responses and Objections to
2 Plaintiff CH₂O's First Set of Interrogatories, served December 14, 2015.

3 11. Attached to my declaration as Exhibit 10 is a true and correct copy of
4 excerpts from the Expert Invalidity Report by Bernard Bubnis, Ph.D., dated January
5 25, 2016 **[FILED UNDER SEAL]**.

6 12. Attached to my declaration as Exhibit 11 is a true and correct copy of
7 Invalidity Contentions of Defendant Houweling's Nurseries Oxnard, Inc., HNL
8 Holdings Ltd., Houweling Utah Operations, Inc., and Houweling's Nurseries Ltd.,
9 under S.P.R. 4.2 [Amended], dated February 10, 2016.

10 13. Attached to my declaration as Exhibit 12 is a true and correct copy of
11 Defendant Meras Eng'g Inc.'s Amended and Final Invalidity Contentions, dated
12 January 5, 2016.

13 14. Attached to my declaration as Exhibit 13 is a true and correct copy of
14 U.S. Patent No. 6,767,470.

15 I declare under the penalty of perjury of the laws of the United States of
16 America that the foregoing is true and correct. Executed on March 1, 2016, in San
17 Diego, California.

18
19 /s/ Joanna M. Fuller
20 Joanna M. Fuller
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on March 1, 2016 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail and regular mail.

/s/ Joanna M. Fuller
Joanna M. Fuller
jfuller@fr.com